IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 4091 of 2005

Between:

K.G.V.Krishnaiah S/o.Venkataiah
Aged about 55 years,

Working as Deputy Executive Officer,
Sri Bhramaramba Mallikarjuna Swamy Devasthanam,

Srisailam, Kurnool District.

..... PETITIONER

AND

1. The Principal Secretary to Government Revenue (Endts.) Department, Secretariat Buildings, Hyderabad.
2. The Commissioner of Endowments, AP., Hyderabad.
3. The Executive Officer,

Sri Bhramaramba Mallikarjuna Swamy Devasthanam
Srisailam, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not cancelling the Memo No.56928/Endts.II (1)/2003-2, dt.3.4.2004 in view of the report submitted by the third

respondent on 9.10.2004, as illegal, arbitrary and motivated and further direct the respondents to continue the petitioner as Deputy Executive Officer till the finalisation of tracing out the lands and handing over to the Devasthanam and other works shown by the third respondent in his report dt.9.10.2004 are completed in the interest of justice.

Counsel for the Petitioner: MR.N.BHARAT BABU

Counsel for the Respondent Nos.1 and 2: GP FOR ENDOWMENTS

Counsel for the Respondent No.3: MR.VENUGOPAL RAO

The Court, at the stage of admission, made the following:

ORDER:

This writ petition is filed seeking mandamus to declare the action of the respondents in not cancelling Memo No.56928/Endts.II (1)/2003-2, dated 03-04-2004 in view of the report submitted by the third respondent on 09-10-2004, as illegal and arbitrary and further direct the respondents to continue the petitioner as Deputy Executive Officer, till the finalisation of tracing out the lands and handing over to the Devasthanam and other works shown by the third respondent in his report dated 09-10-2004.

Originally, the post of Executive Engineer, Electricals was converted to the post of Deputy Executive Officer by virtue of Memo No.56928/Endts.II/2003-1, dated 15-03-2004. The writ petitioner was appointed as Deputy Executive Officer w.e.f. 17-03-2004. Thereafter, the Government issued Memo No.56928/Endts.II(1)/2003-2, dated 03-04-2004, amending condition No.(ii) stating that the sanction is for a limited purpose i.e., initially for a period of one year from the date of issue of this memo, or as and when the completion of assignment for which the post diverted, whichever is earlier. Thereupon, the Additional Commissioner-cum-Executive Officer submitted a letter to the Commissioner of Endowments Department with a request to address the Government for continuation of post of the Deputy Executive Officer, as there was dire necessity to have an Assistant in the cadre of Deputy Executive

Officer. No orders have been passed. Therefore, appropriate decision has to be taken by the first respondent for continuation of the post of the Deputy Executive Officer.

Heard the learned counsel for the petitioner and
the learned Government Pleader for Endowments appearing for respondents 1 to 3 and perused the material on record.

Therefore, without entering into the merits of the case, I consider it appropriate to direct the first respondent to take appropriate decision in accordance with law with reference to the report submitted by the Additional Commissioner-cum-Executive Officer, dated 09-10-2004 and also the representation of the petitioner dated 06-10-2004 on or before 17-03-2005. The learned Government Pleader for Endowments submits that the petitioner would be continued in the same capacity till 16-03-2005 as he is working now. Till the Government takes a decision on or before
17-03-2005, the petitioner shall not be reverted. It is made clear that the petitioner shall be continued in the same post till 16-03-2005.

The writ petition is disposed of in terms of the above directions. In the circumstances of the case, there shall be no order as to costs.

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Lrkm. 03-03-2005.

To

1. The Principal Secretary to Government Revenue (Endts.) Department, Secretariat Buildings, Hyderabad.
2. The Commissioner of Endowments, AP., Hyderabad.
3. The Executive Officer,

Sri Bhramaramba Mallikarjuna Swamy Devasthanam
Srisailam, Kurnool District.

4. 2 CCs to the Government Pleader for Endowments, High

Court Buildings, High Court of A.P., Hyderabad (O.U.T).

5. 2 CD copies.

*Form-NIC-OGS/WP{**MPL**}*